

**EXHIBIT
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From: [Dixon, John \(Perkins Coie\)](#)
To: [Forni, Eric](#); [Jones, Marc](#)
Cc: [Miller, Keith W. \(Perkins Coie\)](#); [Schuman, Adam \(Perkins Coie\)](#); [Bill Christie](#); [Healey, Martin \(BRO-ENF\)](#); [Mechanic, Rachel \(Perkins Coie\)](#)
Subject: RE: SEC v. LBRY - Notices of Deposition and Subpoena
Date: Monday, October 25, 2021 8:08:34 PM

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Eric,

As requested, we write to advise that we seek to depose Peter Moores in connection with LBRY's third affirmative defense of selective enforcement. The SEC's motion for judgment on the pleadings as to that defense has been fully briefed, and while we understand that you intend to move to quash the subpoena to Mr. Moores, before you file another motion relating to the selective-enforcement issue, we should discuss whether it may be more efficient for the Court and the parties if you defer any motion to quash until after the Court rules on your pending motion for judgment on the pleadings.

As to William Hinman, we seek his deposition in connection with the supposed standard that the SEC has or has not applied to digital assets under the federal securities laws. Among other things, this is directly relevant to LBRY's fourth affirmative defense that it lacked fair notice of whether its sales of LBC constituted securities or investment contracts.

While we hope that this email makes our meet-and-confer session tomorrow more productive, it should not be construed as limiting any of LBRY's rights, including to assert additional arguments regarding discovery.

John

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